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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,129

08/16/2001

Toru Shibusawa

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01/16/2008

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EXAMINER

TSE, YOUNG TOI

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

01/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/930,129

Applicant(s)

SHIBUSAWA, TORU

Examiner

YOUNG T. TSE

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

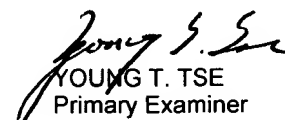
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


YOUNG T. TSE
Primary Examiner
Art Unit: 2611

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the rejection of claim 21 rejected under 35 U.S.C. 112, first paragraph, Applicant argues that the written description of the claimed "receiver having a first mode of operation for storing in the memory the receiving conditions of each of the plurality of broadcasting waves at a time of adjusting an antenna used for receiving the broadcasting wave" is clearly provided, e.g., in section [0035] of the application specification, and specifically on page 17, lines 10-23. Further, Applicant argues that the written description of the claimed "receiver having ... a second mode of operation in which the receiving conditions of a broadcasting wave, during viewing of the broadcasting wave at a time subsequent to the storing of receiving conditions in the first mode is compared with [the receiving condition stored in the memory during the first mode of operation]" is clearly provided, e.g., in section [0035] of the specification, and specifically on page 17, line 23 - page 18, line 19. The examiner respectfully disagrees. Claim 21 recites the [digital broadcasting] receiver having a first mode of operation and a second mode of operation. However, according to the invention described in paragraph [0035], lines 1-12 of the specification, as argued by the Applicant, wherein at least the first mode of operation "for storing in the memory the receiving conditions of each of the plurality of broadcasting waves at a time of adjusting an antenna used for receiving the broadcasting wave" is not processed by the digital broadcasting receiver. It is performed by a user, the specification describes the processing of the receiving condition by the CPU 23 and the stored results of the receiving condition by the memory 24 shall be performed when the antenna is adjusted, for example, such processing is performed by a user operating an antenna adjustment initial information input button provided in the remote control transmitter 25 or putting a cursor on characters "input antenna adjustment initial information" which is an operation button displayed on the screen to operate a determination button of the remote control transmitter 25. The specification also fails to provide proper antecedent basis for the claimed subject matter of the first mode of operation and the second mode of operation. See 37 CFR 1.75(d)(1) and MPEP 608.01(o). Further, the specification does not describe that "a second mode of operation in which the receiving conditions of a broadcasting wave, during viewing of the broadcasting wave at a time subsequent to the storing of receiving conditions in the first mode is compared with the receiving condition stored in the memory for the broadcasting wave". The specification describes "[T]he detected receiving condition and the results of the detection at the beginning of the adjustment of the antenna stored in the memory 24 are compared with each other" provided in paragraph [0035], lines 22-25. Furthermore, the specification also fails to describe a specific report is provided to a user by at least one of audio and video in paragraph [0035] as recited in the last two lines of claim 21.